



Appeal Decision

Site visit made on 26 June 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/D3125/W/24/3337796

Elmstead, Arkell Avenue, Carterton, Oxfordshire OX18 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Bullock against the decision of West Oxfordshire District Council.
 - The application Ref is 23/02852.
 - The development proposed is to demolish existing house and garden building. Construct replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of the neighbouring property, Kimberley, with particular reference to perceived overlooking; and
 - whether the proposal would provide acceptable living conditions for future occupants with regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within an established residential area comprising a mix of house types, including detached bungalows and dormer bungalows, two storey semi-detached and detached dwellings of different periods and architectural styles. The appeal site is located adjacent to Kimberley on one side which is a bungalow on a spacious plot. On the other side is Carterton Bowls Club, which has a parking area immediately adjacent to the common boundary with the appeal property. The properties along the road are generally set back on their plots and many have mature hedges along their front boundaries and there are mature trees and other vegetation in gardens which creates a sense of verdant spaciousness which contributes positively to the character and appearance of the area.
 4. The appeal site itself comprises a single storey dwelling on a large plot with a mature hedge to the front and along the common boundary with Kimberley.
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Although I accept that the existing dwelling is a plain bungalow and the building itself makes limited contribution to the visual amenity of the road, it does sit comfortably on the plot and along with the existing vegetation ensures that the appeal property is entirely compatible within its setting and overall, the appeal site contributes to the verdant spacious character of the area.

5. The proposal would result in the introduction of a chalet bungalow on the appeal site. It would be set in only a short distance from the common boundary with the bowls club but would be set in by some distance from the common boundary with Kimberley. Moreover, the front elevation would be set back on the plot and the existing front and side hedge adjacent to Kimberley would be retained. This arrangement would ensure that the proposal would sit comfortably on the plot.
6. Further, taking account of the existing context, the proposed roof pitch and the eaves and ridge height would be at a scale that would be compatible with this setting and would not harm the character and appearance of the area. The front elevation with its interesting fenestration would not result in inharmonious development within the streetscene. Overall, many of the architectural and design features would be well-suited to this location.
7. Further, the use of rooflights within the roof slopes would not harm the character and appearance of the area as such features are not uncommon within the area. However, the introduction of side gables, which would not be set up from the eaves would introduce inharmonious features on either side of the roof slope. This would harmfully disrupt the roof profile and would create an unattractive bulky form when viewed from the street. As a result, these gables would appear as a discordant feature that would look harmfully out of place.
8. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and would conflict with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 adopted in September 2018 (WOLP) which seek to ensure that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and respect the character of the locality and contribute to local distinctiveness.
9. As I have found that the proposal would conflict with Policies OS2 and OS4 of the WOLP, it would also conflict with the relevant part of Policy H2 of WOLP which deals with the delivery of new homes and sets out that any new dwelling needs to comply with the general principles set out in Policy OS2 and other relevant policies in the plan. The proposal also does not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.
10. In addition, the proposal would be contrary to the West Oxfordshire Design Guide which seeks to ensure that new development respects and fits in with the existing character of the area.

Living Conditions – Neighbouring and future occupants

11. The largest of the proposed dormer windows in the side elevation facing Kimberley would serve an ensuite bathroom which would be obscure glazed. The other would serve a bedroom but the window cill would be set at 1.7m

above finished floor level (FFL). There are also two rooflights that would serve ensuite bathrooms where again the cill would be set at 1.7m above FFL. Due to this arrangement, the Council set out in their delegated report that the proposed development would not give rise to any overlooking or loss of privacy issues. I agree.

12. However, given the size and siting of the dormer windows, the Council expressed a concern that they would give the impression of overlooking to the occupants of Kimberley. However, due to the use of obscure glazing and the ensuite use of the room served by the largest dormer, the living conditions of the occupants of Kimberley would be satisfactorily protected.
13. In relation to the smaller dormer, this would serve a bedroom and is not indicated to be obscure glazed. However, as outlined above, the cill level would be set at a height to prevent any actual harmful overlooking. On balance, I consider that given this fact and if in all other respects the proposal had been acceptable, a suitably worded condition could have been imposed to prevent any opening of this window above a certain level, the proposal would not result in such an unacceptable level of perceived overlooking as to weigh against the proposal.
14. Moreover, for the avoidance of doubt, due to their proposed height above FFL, the proposed rooflights serving the two ensuite bathrooms would not result in an unacceptable level of actual or perceived overlooking.
15. I note that the only windows serving bedrooms 2 and 5 would be dormer windows where the cill height would be 1.7m above finished floor level. Although, occupants of these bedrooms would not have direct views out of these windows, the windows are of a sufficient size to let adequate daylight and sunlight into the rooms. Further, such an arrangement is entirely reasonable and would not result in unacceptable harm to the living conditions of future residents. This is particularly the case given the good outlook the other bedrooms and the downstairs living rooms would enjoy.
16. I therefore conclude that the proposal would not have an unacceptable impact on the living conditions of the occupants of the neighbouring property, Kimberley, due to perceived overlooking and would provide acceptable living conditions for future occupants with regard to their outlook.
17. Consequently, the proposal would not conflict with Policy OS2 or OS4 of the WOLP which among other things seeks to ensure that development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants and not harm the living conditions in residential properties. The proposal would also accord with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

18. I am satisfied that the proposal would not harm the living conditions of neighbouring residents or future occupants of the proposed development. However, for the reasons set out, the proposal would unacceptably harm the character and appearance of the area. Overall, I conclude that the proposal conflicts with the development plan and the material considerations do not

indicate that the appeal should be decided other than in accordance with it.
Therefore, the appeal should be dismissed.

S Rawle

INSPECTOR

